

# U.S. Senate Republican Policy Committee

Larry E. Craig, Chairman    Jade West, Staff Director

## Ashcroft Floor Debate Talking Points

(Charges and responses; January 30, 2001)

### **Because of his conservative views, John Ashcroft will not enforce the laws impartially.**

- As Missouri Attorney General, John Ashcroft strictly enforced laws that differed from his own beliefs, including the areas of firearms (whether prosecuting attorneys could carry concealed weapons), abortion (confidentiality of hospital records on number of abortions performed, whether a death certificate was legally required for fetuses under 20 weeks), church and state (availability of funds for private and religious schools, distribution of religious materials in public schools), environmental regulation, and affirmative action.
- If Senator Ashcroft could not honestly enforce the law, wouldn't someone have documented such an instance by now? John Ashcroft is the most experienced Attorney General nominee in American history. Of the 67 persons who have served in that office since the founding of the Republic, only one — John Ashcroft — has served as state attorney general (two terms), governor of his state (two terms), and U.S. Senator serving on the Judiciary Committee.
- As Missouri Attorney General, John Ashcroft was elected President of the National Association of Attorneys General. As Missouri Governor, he was elected Chairman of the National Governors' Association. If John Ashcroft's execution of these earlier public trusts was as far "out of the mainstream" as his critics now claim, wouldn't his fellow state attorneys general or governors — including Democrats — have noticed?
- This charge is a scurrilous attack on a man whose character has been praised by Senators of both parties. It is really a thinly veiled attack on his religious beliefs and by implication contrary to Article VI of the Constitution, which bars any "religious test" for federal office.
- His colleagues universally admire his devotion to his faith. Does that not imply he is a man of conscience — that he will do what he says he will do? John Ashcroft himself said, "My primary personal belief is that the law is supreme; that I don't place myself above the law, and I shouldn't place myself above the law. So it would violate my beliefs to do it."

### **John Ashcroft is two-faced and untrustworthy: His answers at his confirmation hearings are at odds with his career-long opposition to abortion, gun control, homosexuality, etc.**

- As he has consistently demonstrated in his career, John Ashcroft knows the difference between a Legislator and an Executive official. As a legislator, he has taken and promoted strong views based on his values and his philosophy of government. However, as State Attorney General and Governor, he enforced the law as it is. He will do the same as federal Attorney General.
- John Ashcroft can understand and apply this distinction between a law-maker and a law-enforcer, and so it should not be beyond the capabilities of his critics. Or maybe they're too used to the behavior of Executive officials of the Clinton Administration (and liberal judges on the Federal Bench) who are only too

ready to impose *their* personal opinions on the law. The faults of a partisan, see-no-evil Attorney General or of activist judges should not be projected on Mr. Ashcroft.

- Senator Charles Grassley: “I believe that Senator Ashcroft will uphold the rule of law for all Americans, which will be a refreshing change from the way things were done in the present administration, where the Justice Department was more a defense counsel for the president than the nation’s chief law enforcer. John Ashcroft’s integrity, then, will be a breath of fresh air.”

***We must hold the Attorney General to a “higher standard” for confirmation than other nominees.***

- This is code for “we’ll vote against an Attorney General nominee whose values are not the same as ours but those of the President who appointed him.” GOP Senators rejected this standard for the Clinton Administration, and Democrats should not apply it to this one.
- Only one 1993 Clinton cabinet pick was required to undergo a roll call vote: Janet Reno. One hundred percent of GOP Senators voted for Janet Reno. (John Ashcroft was not yet in the Senate.)
- In 1995, Republicans took over the Senate (and Senator Ashcroft began his term). During that year and the subsequent five years of Clinton’s tenure, the Senate cast 10 additional votes on cabinet nominees: 98% of Republicans (including Senator Ashcroft) voted for the Peña nomination for Energy Secretary; 96% of Republicans (including Senator Ashcroft) voted for the Daley nomination for Secretary of Commerce; 96% percent of Republicans (including Senator Ashcroft) voted for the Summers nomination for Treasury Secretary; and 76% of Republicans (including Senator Ashcroft) voted for the Herman nomination for Labor Secretary.
- In her testimony before the Judiciary Committee, nominee Janet Reno said she’d enforce the law, and GOP Senators gave her the benefit of the doubt. As Senator Bob Smith put it, “I’ll say to my colleagues, . . . if I can vote for Janet Reno, you can vote for John Ashcroft.”

***Senator Ashcroft’s opposition to the confirmation of Ronnie White was based on race.***

- There is no evidence of racial bias in Senator Ashcroft’s record. Among other initiatives, this is a man who signed Missouri’s first hate crimes statute into law, he signed into law the bill establishing a Martin Luther King, Jr., holiday in Missouri, and appointed the first African-American woman to the Missouri court of appeals. He also has been a leader in opposition to racial profiling.
- There were good reasons why Senator Ashcroft played a leading role in opposing the White confirmation — and why every GOP Senator voted “No.” Justice White, during his tenure on the Missouri Supreme Court, was notable for his anti-death penalty and pro-criminal bias, which led to strong, bipartisan opposition from the law enforcement community to his life-time appointment to the Federal bench. More than 70 percent of all elected officials in Missouri, including sheriffs, are Democrats. Seventy-seven of 114 of Missouri’s sheriffs, including many Democrats, were on record in unprecedented opposition to Justice White’s confirmation. The Missouri Federation of Police Chiefs and the National Sheriffs Association also were against White’s confirmation.

***John Ashcroft’s view that the private ownership of firearms is a guard against government tyranny is the talk of a “madman,” beyond the American mainstream.***

- As State Attorney General and Governor, John Ashcroft conscientiously enforced both state and federal gun laws, even those he disagreed with. His record contrasts sharply with the Clinton Justice Department’s failure to enforce existing federal gun laws — even while calling for new ones.
- That the 2nd Amendment to the U.S. Constitution was adopted to preserve a traditional right of the people as a guard against government encroachments is beyond dispute. If John Ashcroft is a “madman” or

“out of the mainstream,” so were James Madison, Alexander Hamilton, Thomas Jefferson, Noah Webster, Abraham Lincoln, Hubert Humphrey, and other notable Americans who held that view. So is Senator Russ Feingold: The purposes of the 2nd Amendment “include self-defense, hunting, sport, and some certainly would say, as would I, the protection of individual rights against a potentially despotic central government.”

RPC Staff contact: Jim Jatras, 224-2946